

HOUSE COMMITTEE ON GENERAL GOVERNMENT

April 15, 1993 Hearing Room 357 8:30 a.m. Tapes 26 - 27

MEMBERS PRESENT: Rep. Cedric Hayden, Chair Rep. Jim Edmunson,
Vice-Chair Rep. Ken Baker Rep. Carl Hosticka Rep. Patti Milne Rep. Chuck
Norris Rep. Del Parks Rep. Lonnie Roberts Rep. Sharon Wylie

MEMBERS EXCUSED:

STAFF PRESENT: Janet Adkins, Committee Administrator Amy
Jahnke, Committee Assistant

MEASURES CONSIDERED: HB 2163 HB 2632 HB 3496 HB 3072 HB 2187 HB
2207

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 26, SIDE A

CHAIR HAYDEN: Calls meeting to order at 8:35 a.m.

WORK SESSION - HB 2207

EXHIBIT A Introduced

4 JANET ADKINS: Describes HB 2207, (-1) amendment.

32 MOTION: REP. NORRIS MOVES HB 2207 (-1) AMENDMENT TO THE FLOOR WITH
A

DO PASS RECOMMENDATION

VOTE: WITHOUT OBJECTION, DO PASS. REP. MILNE EXCUSED.

MOTION: REP. NORRIS MOVES HB 2207 AS AMENDED TO THE REVENUE COMMITTEE
WITH A DO PASS RECOMMENDATION

REP. HOSTICKA SUPPORTS MOTION

VOTE: TO REVENUE COMMITTEE, DO PASS. REP. MILNE EXCUSED.

WORK SESSION - HB 2163

EXHIBIT B Introduced

84 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes bill

132 CHAIR HAYDEN:

136 MOTION: REP. NORRIS MOVES HB 2163 (-1) AMENDMENT

152 CHAIR HAYDEN: I'd like some discussion first.

158 JIM SCHERZINGER, LEGISLATIVE REVENUE OFFICER: Last session HB 3048 that dealt with bonding was passed, in conformance with Measure 5. Revenue has been handling the minutia of the bonding statutes and has developed some expertise in the manner. This bill, 2163, is the offspring that first bill and asks for further changes now that we've had some experience with Measure 5. The bill is in the spirit of HB 3048--no fundamental changes in the intent, with respect to taxation and revenue. I reviewed HB 2163 with the (-1) amendments and felt there were a few places where they weren't achieving what I thought was the intent of the bill. The (-2) amendments are a result of my discussions with the committee administrator, the treasurer, and the Debt Advisory Commission....

241 CHAIR HAYDEN: Then in that case, what does happen to the election?

SCHERZINGER: The way I read it is you are not affecting any law requiring an election.

250 CHAIR HAYDEN: In the context of the election, would you discuss page 10, line 13, that says the refunding bond shall not be subject to ORS 288 .815?

257 ADKINS: If the original bond complied with the procedures in 288 .815, then the refunding of the bond doesn't have to go through the sale for bonds to refund that bond, don't have to go through the same procedure over again.

SCHERZINGER: Refunding bonds should qualify for the same treatment as the original bonds defined in HB 3048. They need not be voter approved.

ADKINS: Clarifies...

276 CHAIR HAYDEN: Refers to ORS 288.815, sub. 3 ...the authorizing resolution or ordinance...asking to have the question of whether to issue such bonds referred to a vote.

SCHERZINGER: The tax imposed for refunding bonds would be outside the cap without a vote.

291 CHAIR HAYDEN: Would there be a conflict of amendments between the two?

SCHERZINGER: No, they are different types of bonds.

CHAIR HAYDEN: HB 2163 would delete the vote of the people?

298 SCHERZINGER: No, it couldn't do that because anything required by the constitution, the statute can't override. Urban renewal bond is a different kind of bond.

311 CHAIR HAYDEN: Would bonds issued prior to HB 2163, without a vote, could they be refinanced under the bill, without a vote?

SCHERZINGER: They can't impose taxes outside Measure 5 limits for those bonds now. This could not affect existing bonds.

345 JIM SHANNON, CHAIRMAN, MUNICIPAL DEBT ADVISORY COMMISSION: This section (ORS 288.515) of the statute deals only with revenue bonds, bonds payable from a revenue stream. Current statute doesn't require a vote of the people to issue revenue bonds; it provides a 60 day referendum period during which voters can refer the measure to a vote if they choose. This change makes it clear that refinancing already issued revenue bonds will eliminate that 60 day waiting period. This deals solely with revenue bonds.

374 CHAIR HAYDEN: This is a very narrow focus...no injustice to taxpayer or removing any privilege from them?

SHANNON: Correct.

REP. ROBERTS: Has Measure 5 had any effect on revenue funds?

387 SHANNON: Exception to Measure 5--incurred charges. They do not meet the definition of a tax, under Measure 5...Revenue bonds do not authorize the levying of a tax.

CHAIR HAYDEN: Take amendments one by one.

MOTION: REP. NORRIS MOVES TO ADOPT THE (-2) AMENDMENTS TO HB 2163

ADDING WORDS...REQUIRING BONDS TO BE AUTHORIZED BY ORDINANCE, IN TWO PLACES...AND DELETING ON PAGE 8, TWO LINES PASSES WITH NO OBJECTION

MOTION: REP. NORRIS MOVES (-1) AMENDMENT WHICH NOW INCORPORATES (-2) AMENDMENTS PASSES WITH NO OBJECTION

MOTION: REP. NORRIS MOVES 2163 AS AMENDED TO THE FLOOR WITH A DO PASS

RECOMMENDATION VOTE: IN A ROLL CALL VOTE HB 2163 AS AMENDED IS REFERRED TO FLOOR WITH DO PASS RECOMMENDATION, ALL MEMBERS PRESENT VOTE AYE. REP. MILNE IS EXCUSED.

REP. PARKS WILL CARRY

TAPE 27, SIDE A

WORK SESSION - HB 2632

EXHIBITS C & D INTRODUCED

MOTION: REP. BAKER MOVES (-3) TO HB 2632

JANET ADKINS: Reviews bill

MOTION CARRIES WITHOUT OBJECTION

MOTION: REP. BAKER MOVES HB 2632 TO THE FLOOR WITH A DO PASS
RECOMMENDATION VOTE: IN A ROLL CALL VOTE HB 2632 AS AMENDED PASSES TO
THE FLOOR, ALL

MEMBERS PRESENT VOTE AYE. REP. MILNE IS EXCUSED.

CHAIR HAYDEN WILL CARRY

REP. PARKS VOTES AYE ON HB 2207.

WORK SESSION - HB 3496

EXHIBIT E INTRODUCED

108 JANET ADKINS: Reviews bill

116 REP. WYLIE: Urges support

136 REP. ROBERTS: Can you be charged for buying endorsements?

REP. WYLIE: The potential for that situation already exists. It
wouldn't be dealt any differently
than it is now.

REP. ROBERTS: There are a lot of ways to take a payoff...I just
wanted to make that clear.

147 CHAIR HAYDEN: Asks Rep. Parks...What did you decide on that?

150 REP. PARKS: Each transaction treated as a violation. It
leaves discretion and interpretation to the
director of elections.

CHAIR HAYDEN: Do you mean each, individual publication? Say
20,000 brochures are distributed...is each one a violation, or is it
cumulative?

164 REP. PARKS: I believe it could be either one, as the bill now
stands.

CHAIR HAYDEN: Wouldn't that be a bit onerous?

164 REP. PARKS: I think that would be something to consider.

189 TODD JONES, SECRETARY OF STATE'S OFFICE: We have the latitude to
levy a \$250 fine per issue if we can show deliberate intent.

202 REP. EDMUNSON: Unless you could show that the publications were
issued on many different days, deliberately...I have a hard time
with each separate issue being fined.

216 JONES: Is there going to be an adequate deterrent or
disincentive for people to violate this
if they so choose, is the main question.

REP. PARKS: Talks about liability...financial penalties.

251 REP. ROBERTS: Why don't you put a cap in, per incident?

REP. PARKS: That's up to the committee to determine the latitude.

263 REP. NORRIS: Aren't we really talking about prohibiting inducement of endorsement by some official entity, such a newspaper? Shouldn't there be some proof of this?

274 CHAIR HAYDEN: The bill proposes to avoid slate card endorsements as happened in the last California election.

REP. WYLIE: There are already prohibitions regarding purchasing of editorials. This extends to other types of publications, both the purchase of endorsement from a legitimate group or the creation of an imaginary group.

302 REP. HOSTICKA: Bill makes sense as it is.

REP. ROBERTS: I would like to see a cap on it.

REP. EDMUNSON: Putting a cap on this bill wouldn't fulfill the greater problem. The Secretary of State should exercise discretion wisely. Caps should be for all offenses, not just one.

364 CHAIR HAYDEN: I'm concerned about the effects of this on a legitimate business deal and fines causing financial duress. I think the cap could address these issues, as well as the concern that one agency (Secretary of State) be all things--judge, jury, prosecutor.

402 REP. ROBERTS: We do cap some of our fines.

420 REP. WYLIE: That range of penalty exists already with editorial endorsements. Agree with Edmunson...\$250 fine, grossly insufficient.

TAPE 26, SIDE B

23 REP. WYLIE: continues

34 REP. WYLIE MOVES TO RE-REFER HB 3496 TO COMMITTEE REP. PARKS ACCEPTS

OBJECTION AND FURTHER DISCUSSION

REP. BAKER: Good bill and it should pass out.

REP. PARKS: Comfortable with bill as it is.

52 REP. NORRIS: Where did 250 come from? Is it covered elsewhere? Are we looking at that from the standpoint of the endorser and the endorsee, both would be culpable? Would they both be equally liable?

VOTE: IN A ROLL CALL VOTE, MOTION TO REREFER HB 3496 TO COMMITTEE FAILS. REP. MILNE IS EXCUSED.

MOTION: REP. BAKER MOVES HB 3496 TO THE FLOOR WITH DO PASS

RECOMMENDATION. VOTE: IN A ROLL CALL VOTE, HB 3496 IS REFERRED TO THE FLOOR WITH A DO

PASS RECOMMENDATION. REP. MILNE IS EXCUSED.

REP. WYLIE WILL CARRY

WORK SESSION - HB 3072

EXHIBIT F INTRODUCED

JANET ADKINS: Explains bill

MOTION: REP. PARKS MOVES HB 3072 BE DEFERRED TO NEXT OR FUTURE MEETING OF FULL COMMITTEE.

REP. HOSTICKA: Questions winery's land use status: Are they allowed to be full restaurant and liquor dispensing establishments in farm use zones? Could they form a

different corporate form to accomplish the same purposes? Is there something about inter relationships of corporations that make this bill necessary?

144 REP. EDMUNSON: Multiple licensing would not be allowed.

ADKINS: It's not just the establishment, it's the ownership.

156 REP. HOSTICKA: Talks about brew pub license...dispenser's license.

176 REP. WYLIE: We did have provision in liquor license for brew pubs... REP. ROBERTS: Why are we debating this now if it's going back to

subcommittee?

REP. HOSTICKA: ...information for the next meeting.

ADKINS: Current law says anyone having interest in the license may also hold the dispenser's license...it's a person and an interest in a corporation.

214 CHAIR PARKS: Holding bill over; not going to subcommittee. Withdraws motion to hold over. Substitutes motion to re-refer to subcommittee. No objections.

WORK SESSION - HB 2187

EXHIBITS G & H INTRODUCED

JANET ADKINS: Describes bill.

272 REP. NORRIS: How many amendments to this point?

JANET ADKINS: Up to (-4) amendments.

285 REP. NORRIS: Farm Bureau concerned about the implements of huSB
andry, as drafted. Has
that

issue been resolved?

291 DON SCHELLENBERG, OREGON FARM BUREAU FEDERATION: Amendment may
be too broad.

314 REP. NORRIS: Mr. Chair, would you care to deal with this minor
amendment here, or send it back to the subcommittee?

CHAIR PARKS: Can't act on a conceptual amendment; it has to go back.

MOTION: REP. NORRIS MOVES HB 2187 BE RE-REFERRED TO SUBCOMMITTEE ON
TRANSPORTATION. NO OBJECTION; SO ORDERED.

Adjourned 9:55 a.m.

Submitted by

Reviewed by

Laurie Baird

Janet Adkins Clerk
Committee Administrator

WITNESSES: Jim Scherzinger, Legislative Revenue Officer Jim Shannon,
Chairman, Municipal Debt Advisory Commission Todd Jones, Secretary of
State's Office Don Schellenberg, Oregon Farm Bureau Federation

EXHIBIT LOG:

A - HB 2207: Preliminary staff measure summary submitted by staff, pp
1 B - HB 2163: Preliminary staff measure summary submitted by staff,
pp 1 C - HB 2632: Preliminary staff measure summary submitted by
staff, pp 1 D - HB 2632: Fiscal impact statement submitted by staff,
pp 1 E - HB 3496: Preliminary staff measure summary submitted by
staff, pp 1 F - HB 3072: Preliminary staff measure summary submitted
by staff, pp 1 G - HB 2187: Preliminary staff measure summary
submitted by staff, pp 1 H - HB 2187: Fiscal impact statement
submitted by staff, pp 1